

REMARKS

The Final Office Action mailed July 7, 2006, has been received and reviewed.

Claims 1-29 are currently pending in the application.

Claims 9-15, 17-23 and 28-29 are allowed.

Claims 3-7 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation.

Claims 1, 2, 8, 16 and 24-27 stand rejected.

Applicant has amended claims 1, 16, 24 and 27, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 102(e) Anticipation Rejections**Anticipation Rejection Based on U.S. Patent No. 6,560,239 to Frid et al.**

Claims 1, 2, 16, 24, 25 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Frid et al. (U.S. Patent No. 6,560,239). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The 35 U.S.C. § 102(b) anticipation rejections of claims 1, 2, 16, 24, 25 and 27 are improper because the Frid reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims. Since the Frid reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims, the Frid reference cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 1 and claim 2 depending therefrom, independent claim 16, independent claim 24 and claim 25 depending therefrom, and independent claim 27.

Applicant's invention as presently claimed in independent claim 1, from which claim 2 depends, recites:

1. In a communication system supporting Internet Protocol (IP) communications, a method comprising:
identifying a loss of a bearer connection for an IP communication, wherein the loss of the bearer connection comprises removal of a Point-to-Point Protocol (PPP) session by a packet data service node;
providing a notification of the loss of bearer connection; and
 terminating the IP communication. (Emphasis added.)

Applicant's invention as presently claimed in independent claim 16 recites:

16. In a communication system supporting Internet Protocol (IP) communications, an infrastructure element comprising:
 means for ***identifying a loss of a bearer connection*** for an IP communication, wherein the loss of the bearer connection comprises removal of a Point-to-Point Protocol (PPP) session by a packet data service node;
 means for ***providing a notification of the loss of bearer connection***; and
 means for terminating the IP communication. (Emphasis added.)

Applicant's invention as presently claimed in independent claim 24 recites:

24. In a communication system supporting Internet Protocol (IP) communications, a method comprising:
receiving a request to stop accounting for a first Point-to-Point Protocol (PPP) session of an IP communication, ***wherein the request is in response to a loss of a bearer connection***; and
sending notification of the request to stop accounting to a session control manager supporting the first PPP session. (Emphasis added.)

Applicant's invention as presently claimed in independent claim 27 recites:

27. In a communication system supporting Internet Protocol (IP) communications, an apparatus comprising:
 means for ***receiving a request to stop accounting*** for a first Point-to-Point Protocol (PPP) session of an IP communication, ***wherein the request is in response to a loss of a bearer connection***; and
 means for ***sending notification of the request to stop accounting*** to a session control manager supporting the first PPP session. (Emphasis added.)

At least Applicant's claimed elements of "***identifying a loss of a bearer connection***" and "***providing a notification of the loss of bearer connection***" of independent claims 1 and 16 and the claimed elements of "***receiving a request to stop accounting ... wherein the request is in response to a loss of a bearer connection***" and "***sending notification of the request to stop accounting***" of independent claims 24 and 27 are not disclosed in the Frid reference. The Frid reference generally discloses a "method and system [that] enables a packet-switched data

communication in a wireless communications system to be quickly and easily reestablished after interruption.” (Frid Abstract).

The Office Action alleges:

Regarding claims 1, 2, 16, 24, 25, 27, FRID et al discloses in a communication system supporting Internet Protocol (IP) communications, a method comprising: ***identifying a loss of a bearer connection*** for an IP communication, wherein the loss of bearer connection comprises removal of a Point-to-Point Protocol (PPP) session by a packet data service node; ***providing a notification of the loss off bearer connection***; and terminating the IP connection (see figure 3, steps 320, 322, 326, 328, column 7, 8, lines 37-67 and 1-15, respectively). (Final Office Action, p. 2; emphasis added).

The allegation that Applicant’s claimed elements of “***identifying a loss of a bearer connection***” and “***providing a notification of the loss of bearer connection***” of independent claims 1 and 16 and the claimed elements of “***receiving a request to stop accounting ... wherein the request is in response to a loss of a bearer connection***” and “***sending notification of the request to stop accounting***” of independent claims 24 and 27 are some how disclosed by the Frid reference’s recitation of an existing packet data session that is interrupted by an incoming voice call and with the packet data session being reestablished after the voice call is not supported by the actual disclosure of the Frid reference.

Specifically, and in contrast to Applicant’s claimed invention, the Frid reference discloses:

- The DTE/MS 130 releases the packet session and keeps the negotiated parameters of the packet data communication (e.g., ‘PPP information’) (320). The parameters are stored by the DTE/MS 130, (Frid, col. 7, lines 37-39).
- ... In other words, the packet-switched PDC network portion 350 also releases the packet session and keeps the parameters of the packet data communication (e.g., ‘PPP information’) (322). (Frid, col. 7, lines 60-63).
- ... Prior to establishing the voice call, the packet session is released The voice call is then established Subsequently, the voice call is conducted, and the termination of the voice call is initiated by the DTE/MS 130 (328), Finally, the circuit-switched PDC network portion 360 transmits to the DTE/MS 130 a release complete (“RelComp”) message to signify that the voice call is over (330). (Frid, col. 8, lines 2-14).
- ... The packet-switched PDC network portion 350 may then reestablish the previous packet data session by retrieving the parameters of the computer communication protocol data communication saved within the PMSC memory 120 (336). Hence, the packet data session communication may continue without renegotiating the PPP. (Frid, col. 8, lines 23-28).

Clearly, the Frid reference discloses an existing packet session that is suspended by a user during a voice call and then reestablished following the voice call using session parameters stored from the session prior to the voice call. However, nothing within the Frid reference discloses Applicant's claimed invention including the claim elements of "*identifying a loss of a bearer connection*" and "*providing a notification of the loss of bearer connection*" as recited in Applicant's independent claims 1 and 16 and the claimed elements of "*receiving a request to stop accounting ... wherein the request is in response to a loss of a bearer connection*" and "*sending notification of the request to stop accounting*" as recited in Applicant's independent claims 24 and 27.

Therefore, since at least Applicant's claimed elements of a "*identifying a loss of a bearer connection*" and "*providing a notification of the loss of bearer connection*" of independent claims 1 and 16 and the claimed elements of "*receiving a request to stop accounting ... wherein the request is in response to a loss of a bearer connection*" and "*sending notification of the request to stop accounting*" of independent claims 24 and 27 are not disclosed in the Frid reference, the Frid reference cannot anticipate, under 35 U.S.C. §102, Applicant's invention as presently claimed in independent claim 1 and claim 2 depending therefrom, independent claim 16, independent claim 24 and claim 25 depending therefrom, and independent claim 27

Accordingly, such claims are allowable over the cited prior art and Applicant respectfully requests that such rejections be withdrawn.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 6,560,239 to Frid et al. in view of U.S. Patent Appl. No. 2002/0120759 to Faccin et al.

Claims 8 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Frid et al. (U.S. Patent No. 6,560,239) in view of Faccin et al. (U.S. Patent Appl. No. 2002/0120759). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claim 8 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claim 8 which depends therefrom.

The nonobviousness of independent claim 24 precludes a rejection of claim 26 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 24 and claim 26 which depends therefrom.

CONCLUSION

Claims 1-29 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated April 6, 2007

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